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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,894

04/20/2005

Sten Drennow

HW-7599

6121

26294 7590 09/13/2007
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EXAMINER

TYLER, STEPHANIE E

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,894

Applicant(s)

DRENNOW, STEN

Examiner

Stephanie E. Tyler

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 19 is/are rejected.
- 7) ☒ Claim(s) 6-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/2005</u> | 6) <input checked="" type="checkbox"/> Other: <u>Appendix A</u> |

Detailed Action

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 1, the phrase "preferably" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "preferably"), thereby rendering the scope of the claim(s) unascertainable.
3. Note: the phrases "can be" and "adapted to" are presented in claims 1,2,5-10 have been considered by the Office as intended use; and the prior art presented below is capable of performing all the limitations set forth in the claims.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5,19 are rejected under 35 U.S.C. 102(b) as being anticipated by Spahni et al. (5,156,300).

The Spahni et al. reference discloses a spacer (60) at connecting devices (70) which are adapted to connect discharge devices (100) to packages (40) with liquid products, preferably foodstuff products, for discharging the products from the packages (40), wherein the packages (40) have walls (fig.3)¹ of synthetic material, wherein the connecting device (70) is adapted to permit products to flow therethrough from the package (40) to the discharge device (100), wherein the connecting device (70)

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comprises a tube member (74) which is provided on a first wall portion (fig.3) of the walls of the package (40), wherein the connecting device (70) comprises a connecting means (90) which can be fixed to the tube member (74), and wherein the spacer (60) is provided on the connecting means (90) and adapted to be located in the package (40) in order to, during emptying of the package, keep wall portions thereof at a distance from the connecting device (70) such that the wall portions do not prevent or substantially obstruct emptying of the package, characterized in that the spacer (60) has resilient properties, that the connecting means (90), for fixation thereof to the tube member (74), can be brought to cooperate therewith such that it moves with the connecting means (90) in a direction towards a support (44) on which the package (40) is placed with a second wall portion (22) thereof, that the spacer (60) by the downward pressing can be brought to engage the support (44) through the second wall portion (22) such that the spacer (60) at continued downward pressing is compressed from a normal shape (60,fig.3) to a compressed shape (60, col.4,lines 55-59), that the tube member (74) has a space (inside of 74) in which the spacer (60) can be received when it is compressed and in which it is accommodated in compressed shape (60, col.4,lines 55-59), that the connecting means (90) can be fixed to the tube member (74) when the connecting means (90) is pressed downwards relative to the tube member (74) and the tube member (74) engages the support (44) through the second wall portion (22), and

¹ Please refer to Appendix A for specified feature(s).

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that the spacer (60) is provided to spring back to its normal shape (60,fig.3) when the downward pressing of the connecting means (90) and the tube member (74) ceases such that the spacer (60) can take up a distance keeping position.

Re: claim 2 the tube member (74) has an annular application surface (76) which can be applied close or substantially close to the second wall portion (fig.3) when the connecting means (90) and the tube member (74) are pressed in a direction towards the support (44), such that the application surface (76), in cooperation with the second wall portion (fig.3), prevents or at least obstructs atmospheric air from penetrating into the package (40) through the tube member (74) and contaminating the product in the package (40).

Re: claim 3 the spacer (60) and the second wall portion (fig.3) cooperate with each other such that the second wall portion (fig.3) compress the spacer (60) when said second wall portion (fig.3) is pressed against said spacer (60) during deflation or contraction of the package (40) due to generation of a negative pressure therein when product is discharged therefrom, and that the spacer (60) brings back the second wall portion (fig.3) by springing back when the suction or contraction force acting on the second wall portion (fig.3) ceases such that the second wall portion (fig.3), during discharge of product from the package (40), performs pump movements which affect the product such that discharge thereof is facilitated.

Re: claim 4 the spacer (60) includes annular parts (fig.3) which are arranged in stagger and connected with each other through connecting members (fig.3) having

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resilient properties, and that the spacer (60) is compressible and expands in axial directions relative to the annular parts (fig.3).

Re: claim 5 the connecting means (90) can be fixed to the tube member (74) through a snap-in connection therewith.

Re: claim 19 the package (40) consists of flexible material and is designed as a plastic bag.

Allowable Subject Matter

5. Claims 6-18 are objected to as being dependent upon a rejected base claim, but would appear to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Karpisek (5,002,202), Flanner (4,949,871) and Credle (4,286,636) are other types of spacer configurations.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie E. Tyler whose telephone number is 571-272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SET



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APPENDIX A

Fig. 3